

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KRUEGER ASSOCIATES, INC.,	:	
Individually and Trading as	:	CIVIL ACTION
National Fulfillment Services,	:	
	:	
Plaintiff,	:	NO. 93-1040
	:	
v.	:	
	:	
ADT SECURITY SYSTEMS,	:	
MID-SOUTH, INC.,	:	
and	:	
ADT SECURITY SYSTEMS, INC.,	:	
	:	
Defendants,	:	
	:	
v.	:	
	:	
EUGENE KRUEGER and SAMUEL	:	
MENDICINO, individually and	:	
d/b/a/ as HOLMES CORPORATE	:	
CENTER and HOLMES INDUSTRIAL	:	
OFFICE CENTER,	:	
	:	
Third-Party Defendants.	:	

MEMORANDUM

R.F. KELLY, J.

JULY 8, 1998

Review of the record in this case reveals that Plaintiff's Crossclaims remain outstanding. The Crossclaims encompass the allegations contained in Plaintiff's Complaint by reference. Thus, Plaintiff alleges strict liability (Count I), negligence (Count II), breach of implied warranties (Count III), strict liability - ultrahazardous activities (Count IV), fraud (Count V), and negligent misrepresentation (Count VI). Additionally, Plaintiff includes a separate count seeking

indemnification pursuant to the lease agreement.

I find that the portions of Plaintiff's Crossclaims which incorporate Plaintiff's Complaint by reference are improper and must be dismissed because Plaintiff's Complaint provides no basis for liability from Third-Party Defendant to Plaintiff.

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Also, Plaintiff's claim for indemnification pursuant to the lease agreement must fail. Nothing in the lease requires Holmes Corporate Center to indemnify Plaintiff. Dipietro v. City of Philadelphia, 496 A.2d 407, 410 (Pa. Super. 1985). To the contrary, Plaintiff agrees to indemnify Holmes Corporate Center in the lease agreement. Under no circumstances will Plaintiff be entitled to indemnification from Third-Party Defendants in this matter, therefore, Plaintiff's claim for indemnification must be dismissed.

An Order follows.

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EUGENE KRUEGER and SAMUEL	:	
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d/b/a/ as HOLMES CORPORATE	:	
CENTER and HOLMES INDUSTRIAL	:	
OFFICE CENTER,	:	
	:	
Third-Party Defendants.	:	

ORDER

AND NOW, this 8th day of July, 1998, it is hereby
ORDERED that Plaintiff's Crossclaims are dismissed.

BY THE COURT:

Robert F. Kelly, J.